

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

FILED  
U.S. DISTRICT COURT  
NORTHERN DIST. OF TX  
FT. WORTH DIVISION

2014 JUL 23 PM 3:47

CLERK OF COURT *MPD*

UNITED STATES OF AMERICA

v.

No. 4:14-CR-023-A

CHRISTOPHER ROBERT WEAST (01)

GOVERNMENT'S MOTION FOR LEAVE TO FILE  
AMENDED EXHIBIT AND WITNESS LISTS

The government respectfully requests leave to file the attached amended exhibit and witness lists. Trial is currently set for Monday, July 28, 2014.

The government filed its initial exhibit and witness lists on July 14, 2014. The government requests the Court permit the filing of an amended witness list to add one witness and an amended exhibit list to add one exhibit. Specifically, the government seeks to introduce the testimony of FBI Special Agent James Wines, who can testify that three of the images charged in Count One of the Indictment depict a real, identified minor. The exhibit that would be offered through Wines is a redacted copy of the minor's birth certificate.

The amended lists are necessary because the defendant has raised in their designation of an expert and requested jury charge instructions theories that suggest that the charged images and video do not depict actual minors. Even if the Court were to exclude defendant's proposed expert, the defense may still raise this issue through cross examination.

Therefore, the government submits that this witness's testimony is material and necessary to rebut anticipated defense issues and arguments raised in trial. Additionally, the government has supplemented expert witness James Willingham's testimony as providing testimony regarding file-sharing programs and possible impeachment or rebuttal evidence through his knowledge of facts or expertise.

Respectfully submitted,

SARAH R. SALDAÑA  
UNITED STATES ATTORNEY



AISHA SALEEM  
Assistant United States Attorney  
Texas State Bar No. 00786218  
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**CERTIFICATE OF CONFERENCE**

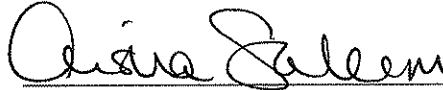
I hereby certify that on July 23, 2014, the government conferred with counsel for the defendant, Christopher Robert Weast, about the government's request to file leave to amend exhibit and witness lists, and the defense opposes the government's request to amend the witness and exhibit lists.



AISHA SALEEM  
Assistant United States Attorney

**CERTIFICATE OF SERVICE**

I hereby certify that on July 23, 2014, the foregoing Government's Motion for Leave to Amended Exhibit and Witness List was served by hand delivery to Angela Saad at 819 Taylor Street, Room 9A10, Fort Worth, Texas 76102.

A handwritten signature in black ink, appearing to read "Aisha Saleem", written over a horizontal line.

AISHA SALEEM

Assistant United States Attorney

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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

UNITED STATES OF AMERICA

v.

No. 4:14-CR-023-A

CHRISTOPHER ROBERT WEAST(01)

GOVERNMENT'S AMENDED EXHIBIT LIST

<u>EXHIBIT NUMBER</u>	<u>SPONSORING WITNESS</u>	<u>DESCRIPTION OF EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
1.	R. Watkins	photo - house exterior	_____	_____	_____
2.	R. Watkins	photo – living room	_____	_____	_____
3.	R. Watkins	photo – living room computer	_____	_____	_____
4.	R. Watkins	photo – kitchen	_____	_____	_____
5.	R. Watkins	photo – hallway	_____	_____	_____
6.	R. Watkins	photo – Weast's bedroom	_____	_____	_____
7.	R. Watkins	photo – Weast's bedroom closet	_____	_____	_____
8.	R. Watkins	photo – Weast's bedroom - computers	_____	_____	_____
9.	R. Watkins	photo – Weast's bedroom – desk top	_____	_____	_____
10.	R. Watkins	photo – Weast's bedroom close up	_____	_____	_____

<u>EXHIBIT NUMBER</u>	<u>SPONSORING WITNESS</u>	<u>DESCRIPTION OF EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
11.	R. Watkins J. Thompson	photo – Weast’s bedroom - laptop	_____	_____	_____
12.	R. Watkins J. Thompson	photo – Weast’s bedroom external drive	_____	_____	_____
13.	R. Watkins J. Thompson	photo – Weast’s bedroom desk contents	_____	_____	_____
14.	R. Watkins J. Thompson	photo – Weast’s bedroom desk - drives	_____	_____	_____
15.	R. Watkins J. Thompson	photo – Weast’s bedroom desk – disks	_____	_____	_____
16.	R. Watkins J. Thompson	photo – Weast’s bedroom desk – disks close up	_____	_____	_____
17.	R. Watkins J. Thompson	photo – Weast’s bedroom - hard drives	_____	_____	_____
18.	R. Watkins J. Thompson	photo – Weast’s bedroom desk – another drive	_____	_____	_____
19.	R. Watkins J. Thompson	photo- view from Weast’s bedroom	_____	_____	_____
20.	R. Watkins J. Thompson	photo – Lindsay’s bedroom	_____	_____	_____
21.	R. Watkins J. Thompson	photo – Lindsay’s bedroom	_____	_____	_____
22.	R. Watkins J. Thompson	photo – Lindsay’s bedroom - computer	_____	_____	_____
23.	R. Watkins J. Thompson	photo – Lindsay’s bedroom – computer close up	_____	_____	_____
24.	R. Watkins J. Thompson	photo – hallway	_____	_____	_____

<u>EXHIBIT NUMBER</u>	<u>SPONSORING WITNESS</u>	<u>DESCRIPTION OF EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
25.	R. Watkins J. Thompson	photo – L. Weast’s bedroom	_____	_____	_____
26.	R. Watkins J. Thompson	photo – L. Weast’s bedroom - computer	_____	_____	_____
27.	R. Watkins J. Thompson	photo – L. Weast’s bedroom – computer media	_____	_____	_____
28.	R. Watkins J. Thompson	photo – L. Weast’s bedroom - closet	_____	_____	_____
29.	R. Watkins J. Thompson	photo – Weast’s mail	_____	_____	_____
30.	R. Watkins J. Thompson J. Willingham	Weast’s laptop - photo	_____	_____	_____
31.	R. Watkins J. Thompson J. Willingham	Laptop photo (close up)	_____	_____	_____
32.	R. Watkins J. Thompson J. Willingham	Laptop (underneath) photo	_____	_____	_____
33.	R. Watkins J. Thompson J. Willingham	Laptop and hard drive photo	_____	_____	_____
34.	R. Watkins J. Thompson J. Willingham	Hard drive from laptop - photo	_____	_____	_____
35.	R. Watkins J. Thompson J. Willingham	W.D. External drive photo	_____	_____	_____
36.	R. Watkins J. Willingham	W.D. External drive photo	_____	_____	_____

<u>EXHIBIT NUMBER</u>	<u>SPONSORING WITNESS</u>	<u>DESCRIPTION OF EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
37.	R. Watkins S. Murray J. Willingham	Laptop computer	_____	_____	_____
38.	R. Watkins S. Murray J. Willingham	Western Digital External drive	_____	_____	_____
39.	J. Willingham	Image of external drive	_____	_____	_____
40.	J. Willingham	Image of laptop	_____	_____	_____
41.	J. Willingham	Forensic Report	_____	_____	_____
42.	R. Watkins J. Willingham	child pornography image - !10yo_tied... (count 1 image)	_____	_____	_____
43.	R. Watkins J. Willingham	child pornography image - (Pthc) Tori...18.jpg (count 1 image)	_____	_____	_____
44.	R. Watkins J. Willingham	child pornography image - (pthc) tori... (count 1 image)	_____	_____	_____
45.	R. Watkins J. Willingham	child pornography image - (lolitaguy))... (count 1 image)	_____	_____	_____
46.	R. Watkins J. Willingham	child pornography image - !!pthc lsm.... (count 1 image)	_____	_____	_____
47.	R. Watkins J. Willingham	child pornography image - Lucifer's .... (count 1 image)	_____	_____	_____
48.	R. Watkins J. Willingham	child pornography video- !!!!Pthc Donna... (count 2 video)	_____	_____	_____

<u>EXHIBIT NUMBER</u>	<u>SPONSORING WITNESS</u>	<u>DESCRIPTION OF EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
49.	R. Watkins J. Willingham	still frames from video	_____	_____	_____
50.	J. Willingham	Directory - laptop (Users)	_____	_____	_____
51.	J. Willingham	Directory - laptop Users – expanded	_____	_____	_____
52.	J. Willingham	Directory – laptop Downloads – expanded	_____	_____	_____
53.	J. Willingham	Directory - laptop Program Files	_____	_____	_____
54.	J. Willingham	Directory - laptop Program Files – expanded	_____	_____	_____
55.	J. Willingham	Directory – laptop Shareaza	_____	_____	_____
56.	J. Willingham	Directory – laptop Shareaza Applications	_____	_____	_____
57.	J. Willingham	Directory – WD Drive Practice subdirectory	_____	_____	_____
58.	J. Willingham	Directory – WD Drive Practice subdirectory (expanded)	_____	_____	_____
59.	J. Willingham	Directory – WD Drive Destiny (expanded)	_____	_____	_____
60.	J. Willingham	Directory – WD Drive Practice\Pics (expanded)	_____	_____	_____
61.	J. Willingham	Video file - Upshots	_____	_____	_____
62.	J. Willingham	Still images from Upshots video file	_____	_____	_____
63.	J. Willingham	Video file – laying out	_____	_____	_____

<u>EXHIBIT NUMBER</u>	<u>SPONSORING WITNESS</u>	<u>DESCRIPTION OF EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
64.	J. Willingham	Still image(s) from laying out video file	_____	_____	_____
65.	J. Willingham	Destiny/ID images	_____	_____	_____
66.	J. Willingham	Recently used files	_____	_____	_____
67.	J. Willingham	Search terms	_____	_____	_____
68.	J. Willingham	Video – K directory	_____	_____	_____
69.	J. Cullers/COR	AT&T /SBC Business records	_____	_____	_____
70.	P. Carlon	Western Digital Business records	_____	_____	_____
71.	Simmons Sgt. Benjamin	IAD records FWPD	_____	_____	_____
72.	Simmons Sgt. Benjamin J. Thompson	Transcript – IAD call w/ Thompson (July 12, 2012)	_____	_____	_____
73.	Simmons Sgt. Benjamin R. Watkins	Transcript – IAD call (July 25, 2012)	_____	_____	_____
74.	Simmons Sgt. Benjamin	Affid by C. Weast IAD records	_____	_____	_____
75.	Simmons Sgt. Benjamin	Affid by B. Weast	_____	_____	_____
76.	R. Watkins Sgt. Benjamin Simmons	Transcript- interview of C. Weast	_____	_____	_____
77.	self-authenticating	copyright notice	_____	_____	_____
78.	R. Watkins	screen capture Downloads/ “Chris”	_____	_____	_____

<u>EXHIBIT NUMBER</u>	<u>SPONSORING WITNESS</u>	<u>DESCRIPTION OF EXHIBIT</u>	<u>IDENTIFIED</u>	<u>OFFERED</u>	<u>ADMITTED</u>
79.	R. Watkins A. Garza M. Baggott M. Womble K. Lindsay	Weast DL photo	_____	_____	_____
80.	R. Watkins	undercover downloads screen captures – disk	_____	_____	_____
81.	J. Wines	birth certificate of minor redacted	_____	_____	_____

Respectfully submitted,

SARAH R. SALDAÑA  
UNITED STATES ATTORNEY



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Assistant United States Attorney  
State Bar of Texas No. 00786218  
Burnett Plaza, Suite 1700  
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Fort Worth, Texas 76102  
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Facsimile: 817-252-5455

### CERTIFICATE OF SERVICE

I hereby certify that on July 23, 2014, the foregoing Government's Amended Exhibit List was served by hand delivery to Angela Saad at 819 Taylor Street, Room 9A10, Fort Worth, Texas 76102.



AISHA SALEEM  
Assistant United States Attorney

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CHRISTOPHER ROBERT WEAST (01)

**GOVERNMENT'S AMENDED WITNESS LIST**

<b><u>No.</u></b>	<b><u>Name/Position</u></b>	<b><u>Subject Matter of Testimony</u></b>	<b><u>Sworn/Testified</u></b>
1.	Randy Watkins Detective Fort Worth PD Fort Worth, TX	Will testify about child pornography investigation of defendant, including execution of a search warrant at defendant's home, evidence seized, child pornography images, and statements made by Weast and others. Probable fact and opinion witness and witness with specialized knowledge regarding peer-to-peer investigations. Also possible impeachment witness.	_____/____
2.	S. Murry Detective FWPD Fort Worth, TX	Will testify about execution of search warrant at defendant's home, chain of custody. Possible fact witness.	_____/____
3.	Sgt. Jim Thomson Detective FWPD Fort Worth, TX	Will testify about execution of search warrant at defendant's home, statements of defendant and other witnesses, chain of custody. Possible fact witness and impeachment witness.	_____/____

<u>No.</u>	<u>Name/Position</u>	<u>Subject Matter of Testimony</u>	<u>Sworn/Testified</u>
4.	James Willingham Forensic Examiner FWPD Fort Worth, TX	Will testify about a forensic examination on computers, hard drives, and other storage devices seized, relevant evidence found, chain of custody; will also testify about the imaging and processing of forensic evidence, file-sharing programs, and internet. Probable expert and opinion witness and possible fact, and impeachment witness.	_____/____
5.	Jonathan Cullers AT&T	Custodian of records regarding Internet access at Weast's home. Probable COR witness.	_____/____
6.	Matthew Womble Special Agent FBI Fort Worth, TX	Can testify about investigation after accepting case for federal prosecution; interviews with witnesses other than Weast. Possible fact or impeachment witness.	_____/____
7.	Pablo Carlon Western Digital	Will testify that the hard drive is manufactured outside Texas. Probable COR witness.	_____/____
8.	Armando Garza Task Force Officer FBI Fort Worth, TX	Can testify about facts relating to the federal arrest of Weast and interviews with family members. Possible fact and impeachment witness.	_____/____
9.	Scott Thompson TFO FBI Fort Worth, TX	Can testify about facts relating to the federal arrest and transport of Weast, to include any statements made by Weast. Possible fact and impeachment witness.	_____/____
10.	Michael Baggott Task Force Officer FBI Fort Worth, TX	Can testify about facts relating to the federal arrest and transport of Weast, to include any statements made by Weast. Possible fact witness and impeachment witness.	_____/____

<u>No.</u>	<u>Name/Position</u>	<u>Subject Matter of Testimony</u>	<u>Sworn/Testified</u>
11.	Edmond Grant Special Agent FBI Fort Worth, TX	Can testify about facts relating to the federal arrest and transport of Weast, to include any statements made by Weast. Possible fact witness and impeachment witness.	_____/____
12.	Kaela Lindsay	Can testify about facts related to the child pornography investigation, including identification of Weast, his knowledge about computers, and his attraction to minors. Probable fact witness.	_____/____
13.	Quenia Pierson	Can testify about facts related to Weast, including identification of Weast and his attraction to minors. Possible fact witness and impeachment witness.	_____/____
14.	Sgt Benjamin FWPD Fort Worth, Texas	Can testify about Weast's IA report and dismissal of the investigation. Possible fact or impeachment witness.	_____/____
15.	R.H. Simmons FWPD Fort Worth, Texas	Can testify as a custodian of records regarding IA complaint made by Weast. Possible COR, fact, and impeachment witness.	_____/____
16.	Larry Weast White Settlement, Texas	Can testify about knowledge and identification of Weast, knowledge of investigation, statements given to law enforcement. Possible fact witness and impeachment witness.	_____/____

<u>No.</u>	<u>Name/Position</u>	<u>Subject Matter of Testimony</u>	<u>Sworn/Testified</u>
17.	Bobbie Weast White Settlement, Texas	Can testify about knowledge and identification of Weast, knowledge of investigation, statements given to law enforcement. Possible fact and impeachment witness.	_____/____
18.	Jim Wines Special Agent, FBI New Haven, CT	Can testify minor who appears in three Count One images is an identified, real child; images produced outside of Texas. Possible fact witness.	_____/____

Respectfully submitted,

SARAH R. SALDAÑA  
UNITED STATES ATTORNEY



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Assistant United States Attorney  
Texas State Bar No. 00786218  
801 Cherry Street, Suite 1700  
Fort Worth, Texas 76102  
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AISHA SALEEM  
Assistant United States Attorney